FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5406 OF 2004
WITH
CRIMINAL APPEAL NO.151 OF 2003

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.S.S. Pednekar APP. for the State.
Mr. Niyaz Ahmed for the Respondent.

CORAM : R.S. MOHITE, J.
DATED : FEBRUARY 6, 2006.

P.C.

1. Heard both sides.

2. This is an application for condonation of 45 days delay in filing the appeal. For the reasons stated in the application, delay is condoned.

CRI. APPEAL NO. 151 OF 2003

1. This is an appeal filed by the State impugning a judgment and order passed by the Chief Judicial Magistrate, Pune acquitting the accused

for an offence punishable under Section 363,368, and 386 of the I.P.C. On perusal of the impugned judgment and order, it is found that the same is based on cogent and acceptable reasons. The allegation against the accused was for kidnapping two small girls by names Tanvi Karandikar and Tanvi Gavade by demanding ransom of Rs.50,000/- for return of the said girls. The prosecution case was that P.W.No.5 Kailash Gavade father of one of the girls lodged complaint to Bundgarden Police Station at 5.00p.m. and then proceeded to the railway station because accused had telephonically informed the aunt of the girl to pay ransom amount in the railway compartment. The accused is said to have been caught while picking up the box containing newspapers and currency notes left as per the directions of the accused. The acquittal was based on the fact that the two witnesses i.e.P.W.No.1 Sachin and P.W.No.2 Anant could not be secured for the purpose of

cross examination. The Investigating Officer was also not examined by the prosecution. Thus, the seizure was not proved. Then again P.W.No.5 Kailash admitted that when the accused was arrested, nothing was found in his custody. The aunt of the girl Tanvi who said to have been received telephone call giving directions about the payment of ransom was not examined. The view taken by the trial court is the possible view. Hence, leave refused and consequently the appeal stands dismissed.

(R. S. MOHITE, J.)